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STREETS AND SIDEWALKS

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**ARTICLE I.
IN GENERAL**

Sec. 24-1. Signs on streets, sidewalks and public rights-of-way prohibited; removal; exceptions; permit.

Notwithstanding the provisions of § 17-42, the following signs shall be permitted on streets, sidewalks and other areas owned by the City:

- (1) Signs hanging above City sidewalks provided that such signs are solely connected to private property and provided that such signs are allowed under Section 3.8.7 of the City's Land Use Code.
- (2) Traffic control signs erected by the City and directional or informational signs erected by the City or other governmental entities which relate to facilities and areas owned, maintained or operated by the City or such other governmental entities. Before any directional or informational sign of a governmental entity other than the City is erected, the governmental entity must obtain a permit authorizing the sign from the City Engineer.
- (3) Signs erected by the City to publicize community activities, celebrations and events.
- (4) Neighborhood recognition signs erected by the City to identify a particular neighborhood; provided, however, that such signs shall only be erected and maintained in those neighborhoods within which a *qualified neighborhood organization* exists for the purpose of considering and acting upon a broad range of issues affecting the neighborhood. A *qualified neighborhood organization* shall mean an organization which the City Engineer has determined satisfies all of the following requirements:
 - a. The neighborhood area that the organization represents must have identifiable, geographical boundaries;
 - b. The neighborhood area that the organization represents must have at least two hundred (200) households within the boundaries of the neighborhood unless none of the boundaries of the neighborhood area are adjacent to and touch the boundaries of another existing residential neighborhood, in which case the neighborhood area that the organization represents need only have at least fifty (50) households within the boundaries of the neighborhood;
 - c. The organization must have at least one (1) elected representative;
 - d. Membership in the organization must be open to all residents, property owners and business owners within the boundaries of the neighborhood;
 - e. Except for residency, ownership of property and location of a business within the neighborhood boundaries, the organization must have no other requirements for membership;
 - f. The organization must not require payment of a membership fee as a condition of voting;
 - g. All of the organization's meetings must be open to the entire membership;
 - h. The organization must hold at least one (1) meeting each calendar year;
 - i. All members of the organization must be sent prior notice of all meetings of the organization; and
 - j. The organization must file and maintain a current set of bylaws with the City's Neighborhood Resources Office.
- (5) If at any time the City Engineer determines that a neighborhood organization which has existing neighborhood recognition signs does not, for any reason, satisfy all the requirements set forth in Paragraph (c)(4) of this Section, the City Engineer shall give notice to the sign owner to remove the sign within ten (10) days. If the sign owner fails to remove the sign after notice, the City Engineer may remove and dispose of the sign without further notice, notwithstanding the provisions of § 23-130, in addition to issuing a citation for violation of this Section.
- (6) Signs placed by the City on bus benches and bus shelters displaying advertisements, provided that:
 - a. Any bus shelters displaying advertising signs shall be located either: (1) within three hundred (300) feet of any existing commercial/ retail or industrial use, (2) within three hundred (300) feet of any land zoned to permit any commercial/retail or industrial use, or (3) along any arterial street provided that no residential uses front on such arterial street within three hundred (300) feet of such bus shelter; and
 - b. If signs are placed on bus benches or bus shelters by a private contractor pursuant to a contract between the City and said contractor, such contract shall specify the content, size, placement, illumination, design and

material to be used for the construction of the benches or shelters, and the signs placed thereon, so as to minimize the visual impacts of such signs on the general public and surrounding properties.

(7) Neighborhood entry signs which have been authorized pursuant to Chapter 23, Article III, Division 4 of this Code.

(Code 1972, §§ 95-60—95-62; Ord. No. 66, 1988, 5-3-88; Ord. No. 84, 1997, 6-17-97; Ord. No. 222, 1998, § 3, 12-15-98; Ord. No. 192, 1999, 1-4-00; Ord. No. 193, 1999, § 2, 1-4-00; Ord. No. 145, 2000, 11-7-00; Ord. No. 201, 2004, § 2, 1-4-05; Ord. No. 018-2007, § 5, 2-6-07)

Cross-reference—Signs, Section 3.8.7 of the Land Use Code.

Sec. 24-2. Awnings over sidewalks.

No awning shall be erected or continued so as to project over any sidewalk at a height of less than six and one-half (6½) feet from the bottom of the curtain to the sidewalk or that shall extend more than eight (8) feet over the sidewalk from the inside line.

(Code 1972, § 95-63)

Sec. 24-3. Flags, banners and signs across streets.

No person shall place or cause to be placed any flying flag, flying banner or flying sign, across any street, alley or avenue without permission of the City Engineer, and such permission may be revoked at any time by the City Engineer by oral or written notice.

(Code 1972, § 95-64; Ord. No. 222, 1998, § 3, 12-15-98)

Secs. 24-4—24-20. Reserved.

ARTICLE II. SIDEWALKS*

DIVISION 1. GENERALLY

Sec. 24-21. Removal of snow and ice required; lien.

(a) The owners or occupants of property abutting upon or adjacent to sidewalks within the City shall at all times keep the sidewalks abutting upon or adjacent to the lot or lots owned or occupied by them free and clear of snow and ice. If any such owners or occupants shall fail to remove the snow and ice from the sidewalks abutting upon or adjacent to their property within twenty-four (24) hours after the accumulation of snow and ice, then the City Manager may at once have the hazard corrected by removal of snow and ice from the sidewalk or by the application of abrasive material; and the cost, including inspection and other incidental costs in connection therewith, including the costs for carrying charges and costs of administration, shall be assessed against the property abutting upon or adjacent to the snow obstruction and the owner thereof.

(b) If the property owner contest the declaration of nuisance and/or the assessment of costs, he or she shall file a written request with the Director of Neighborhood and Building Services, within ten (10) days from the service of a notice of assessment, a written request for a hearing before the Referee.

(c) Such assessment shall constitute an automatic, perpetual lien in the several amounts assessed against each property from the date the assessment became due until paid. Such liens shall have priority over all other liens except general taxes and prior special assessments. In case any such assessment that has not been set for hearing pursuant to Subsection (b) is not paid within thirty (30) days after it has been certified by the Director of Neighborhood and Building Services and billed by the Financial Officer or his or her designee to the owner by deposit in the United States mail, addressed to the owner of record at the address as shown on the tax rolls of the County Assessor, or such other, more recent address as may be available to the City, and any agents, representatives or occupants as may be known, the Financial Officer or his or her designee shall be authorized to certify to the County Treasurer the list of delinquent assessments, giving the name of the owner of record, the number of the lot and block and the amount of

* **Cross-reference**—License required for cement sidewalk, driveway, curb or gutter installation, § 15-361.

assessment plus a ten-percent penalty. The certification shall be the same in substance and in the same form as required for the certification of taxes. The County Treasurer, upon the receipt of such certified list, is hereby authorized to place the same upon the delinquent tax list for the current year and to collect the assessment in the same manner as taxes are collected with such charges as may by law be made by the Treasurer, and all the laws of the State for the assessment and collection of the general taxes, including the laws for the sale of property for unpaid taxes, shall apply to and have full force and effect for the collection of all such assessments. Notwithstanding the foregoing, if the offending property is not subject to taxation, the City may elect alternative means to collect the amounts due pursuant to this Article, including the commencement of an action at law or in equity and, after judgment, pursue such remedies as are provided by law.

(Code 1972, §§ 95-58, 95-59; Ord. No. 142, 1990, § 1, 1-15-91; Ord. No. 198, 2006, § 26, 12-19-06)

Sec. 24-22. Violations and penalties.

Any person who violates any provision of this Division commits a civil infraction and is subject to a civil penalty, costs and fees as provided for in § 1-15. If a person commits three (3) or more violations in twelve (12) consecutive months of any provision of this Code classified as a civil infraction, the third such violation and any subsequent violations within said twelve-month period shall constitute a misdemeanor criminal offense and shall be subject to a penalty or imprisonment, costs and fees and any other orders imposed in accordance with § 1-15. (Ord. No. 054, 2007, 5-1-07)

Secs. 24-23—24-35. Reserved.

DIVISION 2. SIDEWALKS, CURBS, GUTTERS*

Sec. 24-35. License required.

It shall be unlawful for any person to perform or contract to perform work of any kind in the public right-of-way without first obtaining a license to perform such work in accordance with the provisions of Chapter 15, Article XIII of this Code.

(Ord. No. 180, 1998, § 2, 10-20-98)

Sec. 24-36. Construction.

Sidewalks, curbs and gutters may be constructed by the owners of property abutting upon them and at their expense within the City when streets are laid out, open and improved and in common use by foot travelers, and shall be constructed of the character, location, grade, material and in the manner provided for in this Division.

(Code 1972, § 95-31)

Sec. 24-37. Grades of sidewalks, curbs and gutters established.

The City shall establish grades for sidewalks, curbs and gutters from time to time as the necessity requires and these grades together with plans and profiles shall be kept on file in the office of the City Engineer.

(Code 1972, § 95-32; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-38. Construction permit required.

Before constructing any sidewalks, curbs or gutters, the owner of the property adjacent thereto shall make application to the City Engineer for a permit upon forms furnished by the City Engineer. The sidewalks, curbs or gutters shall be constructed in conformity with the grades established by the City.

(Code 1972, § 95-33; Ord. No. 222, 1998, § 3, 12-15-98)

* **Cross-reference**—License required for cement sidewalk, driveway, curb or gutter installation, § 15-361.

Sec. 24-39. Duties and powers of City Engineer.

(a) It shall be the duty of the City Engineer to have charge of all sidewalks, curbs, gutters and driveways within the City and to see that they are properly constructed and kept in repair. If any shall become unsafe or out of repair, the City Engineer shall order them repaired at the expense of the property owner as herein provided.

(b) When a permit shall be issued to any person to construct any sidewalk, curb, gutter or driveway, it shall be the duty of the City Engineer to supervise the construction and require it to be pursuant to the provisions of this Article, the Code in relation thereto and the latest specifications of the City. The City Engineer is hereby charged with the duty of requiring an inspector to see that all sidewalks, curbs, gutters and driveways are constructed as required by this Article, and to this end shall select and designate a suitable person to act as inspector, and no such work shall be accepted by the City Engineer unless it has been inspected as herein provided.

(Code 1972, § 95-34; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-40. Permit contents, conditions and fees.

(a) The permit for sidewalks, curbs or gutters shall contain an accurate description of the property where the construction is to be done, the portion of the property which the construction is to affect, the kind of material to be used in the construction and other data necessary for that particular work. The City Engineer shall set the stakes required for a proper alignment and grade. A copy of the permit shall become a part of the records of the City Engineer's office and shall be filed together with the field notes used in the survey containing the date the survey was made, the name of the construction contractor and other information concerning that particular work.

(b) When proceedings to lay sidewalks, curbs or gutters were conducted under any special law of the State and the entire work in a district is let by the City as one (1) contract, it shall not be necessary for the property owners to procure a permit.

(c) Before a permit shall be issued, the applicant shall pay to the City Engineer the sum of one dollar (\$1.) for each fifty (50) feet or fraction thereof of a sidewalk, curb or gutter, as the case may be and if grades are for two (2) improvements, an additional sum in the amount of one-half ($\frac{1}{2}$) of the charge for locating one (1) such improvement, and if grades are for all three (3) improvements, the charge shall be double the amount for one (1), provided that they are all located at the same time. Upon the payment of the fee, the City Engineer shall issue a receipt. The City Engineer will in no case be expected to define or establish exact lot lines when proceeding under such permits.

(Code 1972, § 95-35; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-41. Conformity to specifications required.

The specifications and construction and material for all sidewalks, curbs and gutters shall be in conformity with the "Larimer County Urban Area Street Standards" as adopted by the City Council by ordinance or resolution.

(Code 1972, § 95-36; Ord. No. 97, 1996, §§ 1, 10, 7-16-96; Ord. No. 186, 2000, § 2, 1-2-01)

Sec. 24-42. Maintenance.

(a) It shall be the duty of the owner of any real property in the City adjacent to a sidewalk and curb and gutter to keep such sidewalk and curb and gutter in repair so that it does not endanger the public.

(b) It shall be the duty of the owner of any real property in the City adjacent to a local or collector street to maintain any parkway, as defined in § 24-66, between said property owner's property line and the edge of the adjacent local or collector street; provided, however, that the City shall be responsible for the trimming and replacement of all trees in any such parkway. All such parkways shall be maintained in mulch, grass, trees, annuals and/or herbaceous perennials in accordance with the "Larimer County Urban Area Street Standards," and should incorporate Xeriscape principles whenever appropriate.

(c) It shall be the duty of any property owner whose property is adjacent to a pedestrian/bicycle path which was required by the City to be constructed pursuant to the provisions of Articles 3 and/or 4 of the Land Use Code or, if

applicable, the Transitional Land Use Regulations, to maintain the paved surface of said pedestrian/bicycle path so that the condition of the same does not endanger the public.
(Code 1972, § 95-37; Ord. No. 97, 1996, §§ 2, 10, 7-16-96; Ord. No. 51, 1997, § 13, 3-18-97; Ord. No. 200, 1999, 1-4-00; Ord. No. 186, 2000, § 2, 1-2-01)

Sec. 24-43. Inspection.

The City Engineer shall periodically inspect the sidewalks, curbs and gutters in the City and report to the City Council. Such report shall set forth the portions of sidewalks and curbs and gutters in need of repair and any other details requested by the City Council.
(Code 1972, § 95-38; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-44. Repair.

(a) Whenever the City Council shall deem it necessary that any portion of a sidewalk, curb or gutter be repaired or reconstructed in order to protect the public, the City Council may order the owner of the real property adjacent thereto to repair or reconstruct the same. Such order shall be made by ordinance, which shall describe the work required. If the cost of repairs is less than three hundred dollars (\$300.), such order may be made by the City Engineer without the order of the City Council. A copy of such order of repairs or ordinance shall be sent to the owner of the property adjoining the sidewalks, curbs or gutters to be repaired or reconstructed by certified mail, return receipt requested, and shall be deemed served upon such owner upon deposit in the United States Mail, postage prepaid, addressed to the property owner at the address appearing in the real property assessment rolls for general taxes of the County.

(b) Such ordinance shall contain a statement that if the repairs or reconstruction required are not completed within thirty (30) days after mailing of the ordinance to the property owner, the City will proceed to do the required work and charge the cost to the abutting property owner and certify and collect the cost through the County Treasurer in the same manner that general property taxes against the property are collected. For the purpose of this Article, the owner of any property shall be considered to be the person who is shown as the owner on the most recent tax rolls of the County. If more than one (1) property is covered by the ordinance, only that portion of the ordinance which concerns each property owner need be sent to such property owner.
(Code 1972, § 95-39; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-45. Noncompliance with order.

If the owner of any property fails or refuses to perform the work required under this Article within thirty (30) days after mailing the ordinance to such owner, the City Council shall order the City Engineer to perform the work. Upon completion of the work, the cost shall be assessed against the adjoining property and collected as herein provided.
(Code 1972, § 95-40; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-46. Contract for work to be let to lowest bidder.

If the City Council orders the City Engineer to perform any work pursuant to this Article, the City Engineer shall request bids from all contractors licensed under the Code to construct sidewalks, curbs and gutters and shall let the contract for such work to the contractor submitting the lowest bid complying with the requirement of the plans and specifications of the City Engineer.
(Code 1972, § 95-41; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-47. Report of costs.

Upon the completion of the repairs or reconstruction, the City Engineer shall make a report to the City Council which shall show the total cost of the work done, including an additional ten (10) percent to cover the cost of engineering and other incidentals, and the portion of such cost to be assessed against each property adjoining the sidewalk, curb or gutter which was repaired or reconstructed. A copy of the pertinent portion of such report shall be mailed by the City Engineer to each property owner involved at the same address to which the ordinance was previously mailed. Such copy shall be deemed served on the property owner upon deposit in the regular United States Mail, postage prepaid, and the certificate of the person mailing it shall be considered proof of such mailing. The copy

served upon the property owner shall designate the date, not more than thirty (30) days nor less than ten (10) days after mailing, when the City Engineer will present such report to the City Council for approval.
(Code 1972, § 95-42; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-48. Assessment of costs against property.

On the date specified, the City Engineer shall present the report to the City Council. The City Council shall review it and, after hearing all complaints presented in person or in writing, shall assess the costs of the repair and reconstruction against the properties adjoining the sidewalk, curb or gutter. Each property shall be assessed for the actual cost of repairing or reconstructing the sidewalk, curb and gutter adjoining such property, plus an additional ten (10) percent of such amount to cover the cost of engineering and other incidentals. Such action of the City Council shall be by ordinance and the ordinance shall further set the date, which shall be sixty (60) days after passage of the ordinance, when unpaid assessments shall be certified to the County Treasurer for collection. From and after the date of the ordinance, the costs assessed shall be a lien against the lands assessed and the amounts assessed shall bear interest at the rate of six (6) percent per annum from such date.
(Code 1972, § 95-43; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-49. Payment of assessment.

Payment of any amount assessed, together with accrued interest, may be made to the Financial Officer at any time prior to the date set for certifying the assessments to the County Treasurer.
(Code 1972, § 95-44)

Sec. 24-50. Delivery of assessment rolls to County Treasurer; collection costs.

Upon the date set by the City Council, the Financial Officer shall deliver an assessment roll to the County Treasurer showing the unpaid amount of each assessment and the property against which such assessment was made. Such roll shall be certified by the Financial Officer and attested by the City Clerk under the seal of the City. Such assessments shall be collected by the County Treasurer, together with a ten-percent penalty to defray the cost of collection as provided by the laws of the State.
(Code 1972, § 95-45)

Sec. 24-51. Correction of irregularities and errors.

No delays, errors, defects or irregularities in any action or proceeding authorized by this Article shall prejudice or invalidate any final assessment, but the same may be remedied by subsequent amending acts or proceedings as the case may require, and when so remedied shall take effect as of the date of the original act or proceeding. If any court of competent jurisdiction sets aside any assessment on account of any irregularity in the proceedings, then the City Council may correct such irregularity and make a new assessment and the same shall be effective as of the date of the original assessment.
(Code 1972, § 95-46)

Sec. 24-52. Violations.

Any person who shall violate any of the provisions of this Article, or who shall change, disturb or alter any grade stakes or pins set by the City Engineer, either upon any special work done by the City Engineer or the regular pins or monuments set by the City Engineer in establishing grades as provided in this Article or the Code upon conviction, shall be guilty of a misdemeanor punishable as provided in § 1-15.
(Code 1972, § 95-47; Ord. No. 222, 1998, § 3, 12-15-98)

Secs. 24-53—24-65. Reserved.

DIVISION 3. CURB CUTS AND DRIVEWAYS*

Sec. 24-66. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

Change of use shall mean any change of purpose for which any land, building or structure is occupied, maintained, arranged, designed or intended.

Driveway shall mean any area, construction or facility between the roadway or the street and private property.

Parkway shall mean the space between the roadway and the adjacent property line, with the exception of any existing sidewalk in such space.

Roadway shall mean the paved, improved or proper driving portion of a street, designed or ordinarily used for vehicular travel.

Sidewalk area shall mean that portion of the space lying between the street, roadway or curbline and the property line which is reserved for sidewalks, either existing or proposed.

Street shall mean any street, alley or other public place within the City.
(Code 1972, § 95-49; Ord. No. 97, 1996, §§ 3, 10, 7-16-96)

Cross-reference—Definitions and rules of construction generally, § 1-2.

Sec. 24-67. Use of driveways for access to private property required.

Any access from any public roadway to private property constructed, altered or repaired shall be through driveways constructed according to the provisions of this Article.

(Code 1972, § 95-48)

Sec. 24-68. Permit required.

Except when included in a building permit, it shall be unlawful for any person to construct, reconstruct, alter or repair any driveway without first obtaining a permit and paying the permit fee as required by § 24-71. No permit fee shall be required of a subdivider constructing driveways as a part of street and sidewalk installation within the subdivision. No permit fee will be required when driveway construction occurs as part of a special improvement district.

(Code 1972, § 95-50(A))

Sec. 24-69. Permit application.

Any party requesting such permit shall file a written application with the City Engineer. Such application shall be made on the City form provided for that purpose and shall include:

- (1) The name and address of the applicant;
- (2) The name and address of the owner of the property abutting and the street where the work is to be performed;
- (3) The exact location of the proposed work, giving the street address or legal description of the property involved;
- (4) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features within the limits of the frontage of the property;

* **Cross-reference**—License required for cement sidewalk, driveway, curb or gutter installation, § 15-361.

(5) The location of buildings, loading platforms or off-street parking facilities being served or to be served by such driveways.
(Code 1972, § 95-50(B); Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-70. Plans or other information; requirements.

(a) The City Engineer may require the filing of any other information when in his or her opinion such information is necessary to properly enforce the provisions of this Article or the State Highway Access Code, if applicable.

(b) No plans shall be approved nor a permit issued where it appears that the proposed work or any part conflicts with the provisions of this Article, the Code or the State Highway Access Code, if applicable. The issuance of a permit shall not be construed as a waiver of the zoning ordinance or other ordinance requirements concerning the plan.
(Code 1972, § 95-50(C), (D) ; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-71. Permit fees.

The permit fee for each driveway approved by the City Engineer shall be five dollars (\$5.) for a driveway up to fifteen (15) feet in width. For each additional foot of width in excess of fifteen (15) feet, an additional charge of thirty cents (\$0.30) per foot shall be charged. Notwithstanding the foregoing, if any driveway is proposed to be constructed providing vehicular access to or from a state highway, the permit fee for such driveway shall be twenty-five dollars (\$25.) regardless of width or use of the driveway.
(Code 1972, § 95-51; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-72. Notice to reconstruct curbs or driveways.

The City Engineer may order the reconstruction, alteration or repair of driveways and curbs presently constructed or constructed under the terms of this Article, where it is determined that such is an impediment to the free movement of vehicles upon the streets or the uneconomic distribution of parking space at the curb of the aforementioned streets or a hazard to the travel or safety of pedestrians. Such notice to reconstruct, alter or repair shall be given by registered or certified mail to the owner of the premises involved who shall commence such reconstruction, alteration or repair within thirty (30) days. If the owner fails to commence construction, the City may make such reconstruction, alteration or repair, billing the costs to the owner, who shall be obligated therefor.
(Code 1972, § 95-52; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-73. Removal of abandoned driveways.

When, in the opinion of the City Engineer, an abandoned driveway constitutes a hazard to vehicular traffic or pedestrians, the City Engineer may order the removal of such driveway, and the reconstruction of the new curb shall be made by the owner of the premises involved, after notice having been given as provided in § 24-72, and the owner shall be obligated therefor.
(Code 1972, § 95-53; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-74. Authority to order removal of driveways.

The City Engineer, when directed by the City Council, shall have the authority to order the removal of any driveway if such removal would be in the best interest of traffic movement or safety for pedestrians or vehicles.
(Code 1972, § 95-54; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-75. Standard plans and specifications; construction procedures.

(a) All construction outlined in this Article shall be located and constructed in accordance with the City of Fort Collins Standard Plans and Specifications which shall be promulgated by the City Engineer, approved by the City Council and available and on file in the office of the City Engineer and, if applicable, in accordance with the State Highway Access Code and shall be performed to the satisfaction of the City Engineer.

(b) The type of construction shall be as designated and/or approved by the City Engineer and all materials used shall be of satisfactory quality and subject to inspection and approval. No concrete shall be placed until the City En-

gineer has inspected and approved the forms. Driveways shall be completely paved with concrete in the area between the roadway and the property line.

(Code 1972, § 95-55; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-76. Driveway construction regulations.

Every driveway hereafter constructed, reconstructed or altered, in the street right-of-way, shall conform to the following regulations:

- (1) *Location.*
 - a. No driveway shall be so located as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.
 - b. Unless otherwise approved by the City Engineer, all driveways shall be constructed within lines at right angles to the curbline.
 - c. No driveway shall be constructed in such a manner as to create a hazard to any existing street lighting standard, utility pole, traffic-regulating device or fire hydrant. The cost of relocating any such street structure shall be borne by the abutting property owner. Relocation of any street structure shall be performed only by or through the person holding authority for the particular structure involved.
 - d. No construction, alteration or repair shall be permitted for any driveway which can be used only as a parking space or which provides access only to the area between the street roadway and private property.
 - e. All driveways shall be so constructed that they shall not interfere with the drainage system of the street.
- (2) *Size and number.*
 - a. Except as otherwise provided herein, the width of any business driveway shall not exceed thirty-five (35) feet exclusive of the radii of the curb returns, the measurement being made along the flowline. Where driveways are to enter courts or alleys having a right-of-way width of forty (40) feet or less, the width of the driveways may exceed thirty-five (35) feet and the limitation of the percentage of property frontage in driveways may be waived, provided that the overall plan of the location of such driveways shall meet the approval of the City Engineer.
 - b. Except as otherwise provided above, the total width of all driveways for any one (1) parcel on a street shall not exceed fifty (50) percent of the frontage of that parcel along the street. Whenever in a single ownership the total width of existing driveways on a street is over fifty (50) percent of the frontage of that parcel on the street, such existing driveways shall be made to conform to the provisions of this Article if any of the following should occur:
 1. Any alteration or repair of such existing driveways in excess of twenty-five (25) percent of the frontage of the ownership on that street or any widening of any such existing driveways;
 2. Any construction of additional driveways in the parcel or the alteration or repair of any driveways in the ownership in excess of twenty-five (25) percent of the frontage on which the driveways are to be altered or repaired when the parcel has frontage on two (2) or more streets;
 3. Any change of use of the ownership as defined in § 24-66;
 4. Any new construction, reconstruction or any remodeling exceeding twenty-five (25) percent of the value of the improvements on the land.
 - c. Upon the alteration or repair of any one (1) or more of the driveways as aforesaid, the City Engineer may require such changes in any or all of the driveways of the parcel necessitated for better movement of traffic or to provide better protection to pedestrians.
 - d. Proposed driveways shall intersect the property line at right angles. Those driveways providing ingress to and egress from business establishments may, with the prior approval of the City Engineer, intersect the property line at an angle no less than sixty (60) degrees.
 - e. In no case shall the width of any driveway be less than ten (10) feet, the measurement being made parallel to the roadway centerline and excluding the curb returns.
 - f. Driveways shall not exceed twenty (20) feet in width, exclusive of curb returns, for single- or two-family residential units. Driveways for multi-family units shall not exceed twenty-five (25) feet in width.
 - g. No residential property shall be allowed more than two (2) curb cuts.

- h. Unless otherwise provided herein, no more than two (2) service driveways shall be permitted for any one (1) commercial frontage.
 - i. In the case of commercial parking lots located on a parcel of land abutting two (2) intersecting rights-of-way, the centerline of the proposed driveway shall be no closer than fifty (50) feet to the intersection of the pertinent right-of-way lines.
 - j. Where a single ownership parcel is developed into more than one (1) unit of operation, each sufficient in itself to meet the requirements of off-street parking and/or loading, as may be required by the zoning ordinance, and where the safety of pedestrians or vehicular traffic is not endangered, then and in those events the requirements outlined above may be construed to apply to each separate unit of operation rather than to the entire ownership.
 - k. No driveway shall be wider than the curb cut between the curb and the property.
- (Code 1972, § 95-56; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-77. Exceptions.

If the City Council should determine that in the application of this Article, undue hardship is created to any property owner, it may grant an exception to such property owner.

(Code 1972, § 95-57)

Secs. 24-78—24-90. Reserved.

**ARTICLE III.
STREETS***

DIVISION 1. GENERALLY

Sec. 24-91. List of street names.

All new arterial and collector streets, as defined in the City of Fort Collins Master Street Plan, are to be named from the list of street names approved by the City Council. The list of street names shall be composed of names of natural areas, natural features, historic and/or well-known places, citizens of the City or Growth Management Area whom the City Council would like to honor posthumously, and such other names of places, things or deceased persons as the City Council may approve. With respect to citizens of the City whom the City Council desires to honor posthumously, such citizens must have devoted much time and effort to the City either as a former City officer or employee, a former Colorado State University officer or employee, a person important in the founding of the City or a former citizen of exemplary character deserving of special recognition. The list of street names shall be adopted and amended by the City Council by resolution. All new arterial and collector streets which are not extensions of existing arterial and collector streets must be named from the foregoing list of street names, and the Director of Community Planning and Environmental Services shall strike names from the list as they are used in the naming of such new arterial and collector streets and shall promptly file an updated list in the Office of the City Clerk.

(Code 1972, § 95-99; Ord. No. 130, 2002, § 4, 9-17-02; Ord. No. 119, 2003, § 1, 9-2-03)

Sec. 24-92. House numbers on curbs.

(a) No person shall paint or otherwise install house numbers on the curbs of the City streets except as provided in this Section. The City Engineer shall develop standard specifications for the painting of house numbers on the curbs on public streets. Such specifications shall specify the size of any numbers to be used, the type of material to be used in applying such numbers to the curb and the color.

(b) Any person desiring to paint house numbers on curbs pursuant to this Section shall obtain a permit and make application for such permit to the City Engineer on a form to be supplied by the City Engineer. Any such permit shall be valid through December 31 of the year of its issuance. No such permit shall be issued until the applicant has sub-

* **Cross-references**—Street oversizing fund created, § 8-87; water flowing off street prohibited, § 10-80; unlawful to permit irrigation water on streets, § 10-81; license required for cement sidewalk, driveway, curb or gutter installation, § 15-361; mobile home park street system, § 18-75; transportation utility created for the purpose of providing maintenance of local streets, § 26-566 et seq.

mitted to the City Engineer copies of all promotional materials intended to be used in the business authorized pursuant to the permit, which promotional material shall contain the name, address and telephone number of the permittee; the price to be charged for the painting services; a statement that all painting services performed under the permit are performed as a private service of the vendor and not as a project of the City; and that it is not a legal requirement of the City that house numbers be painted on curbs. Said promotional materials shall be provided to all persons contacted by the applicant for painting services authorized under the permit. The City Engineer is hereby authorized to promulgate such further rules and regulations as are reasonably necessary to effectuate the enforcement of this Section.

(Code 1972, §§ 95-77—95-79; Ord. No. 106, 1991, 9-17-91; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-93. Baseline for establishment of grades.

For the purpose of fixing and establishing the grade of the several streets and alleys within the City, all elevations shall be calculated from a baseline, which baseline is hereby declared to be and established at the low waterline or mark of the Cache la Poudre River at the Lincoln Avenue Bridge. Bench Mark No. 1 for City reference for such purpose is hereby declared to be and established at forty-four (44) feet above such baseline at the northwest corner of Mountain and College Avenues on the water table of Welch Block.

(Code 1972, § 95-65)

Sec. 24-94. Street closings for improvements authorized.

The Traffic Engineer is hereby authorized and empowered to order closed any street, alley or portion when it is necessary in order to carry on properly and safely the construction of public improvements or the improvement or repair of any street, alley or portion and to properly safeguard such improvements from damage or injury until it shall be determined by the Traffic Engineer that such street or alley is in safe condition for traffic. In order to prevent the use of such streets and alleys while the work of construction or repairs are in progress, the Traffic Engineer is empowered to place obstructions across the street or alley, together with a notice to the effect that the street or alley is closed to traffic pursuant to the authority of this Section and the Traffic Engineer's order. Any violation of any such order by use or attempt to use the closed street, alley or closed portion or otherwise, or interference with or removal of the obstructions or safeguards placed in streets or alleys, shall be a misdemeanor.

(Code 1972, § 95-66; Ord. No. 222, 1998, § 3, 12-15-98; Ord. No. 130, 2002, § 30, 9-17-02)

Sec. 24-95. Obligation for construction.

(a) The construction of the local portion of a public street is hereby declared to be the obligation of the owner of the adjacent property at the time such property is developed or redeveloped. The timing of the construction shall be as specified in the development agreement for such property or, if not specified, it shall be required at the time of issuance of the first building permit upon such property.

(b) The local portion of such street shall include, without limitation, the construction of curb, gutter, pavement and sidewalk. All such construction shall conform to the "Larimer County Urban Area Street Standards" as adopted by the City Council by ordinance or resolution.

(c) If the City has constructed such local portion of a public street adjacent to undeveloped property or property that may be redeveloped, the City may require, at or before the time of issuance of any building permit for new development or change of use, that the owner of such adjacent property repay to the City its cost in acquiring the necessary right-of-way and constructing such local portion of such street. The amount of reimbursement to be paid to the City under this Subsection shall be no less than the original cost of the right-of-way and improvements plus any mutually agreed upon amount to reflect the effects of inflation, if any. These adjustments may be based on the construction cost index for Denver, Colorado, as published monthly by the Engineering News Record. The original cost of the right-of-way and improvements shall mean the cost of right-of-way acquisition, financing, engineering, construction and any other costs actually incurred by the City which are directly attributable to the improvements.

(Code 1972, § 95-98; Ord. No. 32-1988, § 2, 3-15-88; Ord. No. 97, 1996, §§ 4, 10, 7-16-96; Ord. No. 186, 2000, § 2, 1-2-01; Ord. No. 98, 2001, 6-19-01; Ord. No. 041, 2004, 3-16-04)

Sec. 24-96. Snow emergency.

(a) Whenever the City Engineer finds and so determines that due to falling snow, sleet, freezing rain or a forecast by the United States Weather Bureau of weather conditions that so warrant, the City Engineer is hereby authorized to declare the existence of a snow emergency.

(b) The City Engineer shall provide announcements to local radio and television stations declaring a snow emergency to exist and to describe the action to be taken by the City. There shall be included in such announcement the time that parking prohibitions are to become effective pursuant to this Section. Where feasible, such announcement shall be disseminated to a newspaper having a general circulation within the City.

(c) Upon the declaration of the existence of a snow emergency, parking of motor vehicles shall be prohibited on all streets designated as snow emergency routes. For the purposes of this Section, snow emergency routes shall consist of those streets or portions of streets within the City as designated in the Snow Removal Handbook of the City of Fort Collins. On each street or portion of street upon which parking is allowed and which is designated as a snow emergency route, the City Engineer shall post at reasonable intervals special traffic signs indicating by the appropriate symbol or wording that the street or portion of the street has been designated as a snow emergency route. There shall be no parking whatsoever on any roadway or contiguous shoulder of any state highway or connection link within the City during the times and at the places where snow removal operations are in progress.

(d) Whenever any vehicle, except an emergency vehicle, is found standing, attended or unattended, upon a snow emergency route in violation of this Section, the City Engineer shall without delay and at the owner's expense take action to have the vehicle towed or otherwise removed from the snow emergency route.

(e) Whenever the City Engineer finds that some or all of the conditions which gave rise to the snow emergency no longer exist, the City Engineer may declare the termination of the emergency, in part or in whole, effective immediately upon announcement. In the absence of any such announcement, whenever the entire roadway of any snow emergency route is substantially clear of snow from curb to curb, the snow emergency shall be deemed to be terminated, and the normally permitted parking of vehicles shall be automatically authorized.

(Code 1972, §§ 95-73, 95-93—95-97; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-97. Annexed streets.

Streets annexed into the City that were not designed and constructed to comply with City standards shall be maintained and upgraded in accordance with the "Larimer County Urban Area Street Standards" as adopted by the City Council by ordinance or resolution.

(Ord. No. 182, 1998, § 1, 10-20-98; Ord. No. 186, 2000, § 2, 1-2-01)

Sec. 24-98. Upgrading of private streets and drives.

Owners of a private street or drive who desire to dedicate such street or drive to the City, thereby converting such private street or drive to a public street, must, prior to dedication, improve the same to City standards and pay for all costs associated with the improvement. The necessary requirements for the improvement in order for the City to consider accepting the street are as follows:

- (1) The street must be designed and constructed to current City standards. If the street does not meet City standards, it must be upgraded to meet such standards in accordance with the "Larimer County Urban Area Street Standards" as adopted by the City Council by ordinance or resolution.
- (2) Storm drainage improvements must be made concurrently with the street improvements. A drainage study may be required to determine the kinds of improvements that will be needed. Completion of the drainage study and design and construction of all drainage improvements shall be the responsibility of the owners of the private street.
- (3) If the properties served by the private street or drive are served by sanitary septic systems, the General Manager of Utility Services must determine whether sewer lines will need to be installed in the street. If the street is

located where a sewer line is anticipated to be placed, the sewer line must be designed and constructed prior to improving the street to City standards. The City shall not accept a street for ownership or maintenance if such street will have to be reconstructed in the future to install a new sewer line.

- (4) All land necessary to accommodate the construction and location of a standard City street must be dedicated to the City as right-of-way. In addition, the owners of the private street or drive must secure any other necessary easements for the street and drainage system and dedicate such easements to the City. The process for dedicating such right-of-way and easements includes, without limitation, surveying, platting, deed preparation, title verification, negotiations for purchase, and purchase, all of which process shall be the responsibility of the owners.

The City Council may, in its discretion, finance and authorize street improvements utilizing a special improvement district as provided in Chapter 22, Article III of the Code.

(Ord. No. 183, 1998, § 1, 10-20-98; Ord. No. 186, 2000, § 2, 1-2-01; Ord. No. 130, 2002, § 9, 9-17-02)

Secs. 24-99—24-110. Reserved.

DIVISION 2. STREET OVERSIZING FUNDS*

Sec. 24-111. Definitions.

Base industry shall mean those firms that produce goods or services, at least eighty (80) percent of which are produced for export to areas outside of the City, and thereby import income into the City. Such goods and services shall not include retail sales activities but may include, without limitation, manufactured goods, consulting services, research activities and the support services associated with a regional or national headquarters of a services-producing organization.

Base industry supplier shall mean a firm that devotes at least fifty (50) percent of its operations to providing a base industry with materials or supplies used in the base industry's manufacture or production of goods or services.

Exemption shall mean the granting of a partial or complete waiver of the street oversizing fee not to exceed fifty thousand dollars (\$50,000.).

Fee shall mean the street oversizing capital improvement expansion fee.

Firm shall mean person, firm, corporation, partnership, joint venture or any other legally permissible business organization, whether or not presently situated within the boundaries of the City.

Full-time employment shall mean those jobs which provide at least thirty-five (35) hours of year-round employment per week.

Fund shall mean the street oversizing fund.

Street oversizing improvements shall mean those capital improvements needed to construct arterial or collector streets in the City as shown on the City of Fort Collins Master Street Plan, excluding the local street portions of such streets. *Street oversizing improvements* shall include, without limitation, right-of-way acquisition; vehicle and bicycle lanes; curbs, gutters and other drainage structures; pedestrian ways; traffic control devices and signals; medians and median landscaping; and transit facilities, including, without limitation, transit stops and rolling stock, to the extent that such transit facilities are reasonably necessary to expand the City's transit system so as to provide transit services to feepayers, as that term is defined in § 7.5-17.

* **Editor's note**—Ord. No. 152, 1988, adopted Jan. 3, 1989, amended Div. 2 to read as set out in §§ 24-111—24-121. The former Div. 2, §§ 24-111—24-118, was derived from Code 1972, §§ 95-89—95-92; Ord. No. 142, 1986, §§ 1—3, adopted Oct. 21, 1986; and Ord. No. 189, 1987, §§ 3, 4, adopted Dec. 15, 1987.

Cross-reference—Street oversizing fund created, § 8-87.

Total compensation shall mean wages and cash equivalent benefits, including medical, dental, life, vision, day care and retirement.
(Ord. No. 152, 1988, 1-3-89; Ord. No. 91, 1989, § 1, 6-20-89; Ord. No. 110, 1996, § 1, 8-20-96; Ord. No. 51, 1997, § 14, 3-18-97; Ord. No. 38, 1998, § 2, 3-17-98)

Sec. 24-112. Street oversizing reimbursement program.

(a) Street oversizing capital improvement fee revenue collected pursuant to §§ 7.5-19 and 7.5-32 shall be utilized to pay certain costs associated with and necessary for increasing the width of streets and sidewalks from local access status to arterial or collector status; acquiring the necessary right-of-way to accommodate the expansion of such streets and sidewalks; providing traffic signalization when required because of collector or arterial status; and expanding the City's transit system. Payments for such purposes may be made directly by the City or in the form of reimbursements to the developers of real property in the City according to the provisions of this Division. Those categories of cost which will be eligible for reimbursement from the fund shall be determined by the City Engineer, who shall maintain an itemization of the same in the form of administrative guidelines. The City shall not participate in the cost of street oversizing improvements required solely for the special use and benefit of the adjacent development, including, without limitation, any acceleration or deceleration lanes, double left-turn lanes, or traffic-control signals that are required by the transportation impact study for the development or by the Traffic Engineer. Notwithstanding the foregoing, street oversizing funds may be utilized to pay for all traffic-control signals associated with arterial-arterial intersections and for one (1) such signal per collector-arterial intersection per mile. Monies expended for street oversizing improvements shall not be utilized to pay for the cost of increasing the depth of the local access portion of any street required to be constructed to arterial or collector standards.

(b) The City Council shall, by resolution, adopt criteria to evaluate the community benefit of streets in a development project to determine whether street oversizing improvements are needed. If the City determines that the construction of street oversizing improvements do not convey a measurable community benefit according to such criteria, then no monies expended by the developer for such street oversizing expenditures shall be eligible for reimbursement by the City, and the street construction requirements for the development shall be limited to those reasonably necessary to offset the traffic impacts of the development. All collector and arterial streets, if required, shall be constructed to such specifications as shall be necessary in the judgment of the City Engineer based on traffic safety considerations, and taking into account the transportation impact of the development upon such arterial or collector street. No such arterial street shall be constructed to a width of less than thirty-six (36) feet.

(c) The City shall have no obligation to make reimbursement payments for street oversizing improvements unless funds for such payments shall first have been budgeted and appropriated from the fund by the City Council; provided, however, that, to the extent that funds are not available for such reimbursement, the City shall not require construction, at the developer's expense, of any oversized portion of streets not reasonably necessary to offset the traffic impacts of the subject development, unless otherwise agreed upon by the City and the developer. The City shall have no obligation to make payment for street oversizing improvements unless a written request for such payment in form acceptable to the City and providing reasonable detail and proof of the expenses incurred shall have been submitted to the City within ninety (90) days of written City acceptance of such completed improvements.

(d) In order to limit the reimbursement payments under this Section to the amount budgeted and appropriated, the City may make the following payments subject to the limitations as contained in Subsection (c) above:

- (1) Upon acceptance and approval by the City of a payment request for street oversizing funds, the City may pay a percentage of the amount requested. The percent of initial payment shall be determined by the City Engineer prior to the start of the applicable budget year.
- (2) At the close of the submittal period for the applicable budget year, the City will proportionally reimburse any remaining revenues from that budget year to development projects that had received a percentage reimbursement. Such proportionate reimbursement shall be based upon the following ratio:

$$\frac{\text{Total revenues budgeted and appropriated}}{\text{Total of requested payments for street oversizing}} = \text{Proportionate reimbursement of each requested payment}$$

(Ord. No. 38, 1988, § 2, 3-17-98; Ord. No. 222, 1998, § 3, 12-15-98)

Sec. 24-113. Fee waiver, appeals.

(a) *Exceptional hardship.* The City Engineer, upon application of any interested party, may waive or otherwise adjust any of the fees, as set forth in § 7.5-17, in order to prevent manifest injustice. No such waiver shall be granted unless, by reason of extraordinary and exceptional situations or conditions of the property which is the subject of the fee, the strict application of this Division would result in peculiar and exceptional hardship upon the owner of such property; provided, however, that such relief may be granted without substantially impairing the intent and purposes of this Division. No such hardship shall be founded upon ability or inability to pay the fee.

(b) *Appeals.* Any decision of the City Engineer under Subsection (a) above may be appealed to the City Manager pursuant to the appeals procedure set forth in Article VI of Chapter 2 of this Code.

(Ord. No. 152, 1988, 1-3-89; Ord. No. 91, 1989, § 2, 6-20-89; Ord. No. 38, 1998, § 2, 3-17-98; Ord. No. 32, 1999, 3-2-99; Ord. No. 129, 2002, § 12, 9-17-02)

Secs. 24-114—24-130. Reserved.

DIVISION 3. STATE HIGHWAY NO. 1*

Sec. 24-131. Statement of legislative finding.

Public necessity and convenience require that a portion of State Highway No. 1, which lies in and on a street of the City, be widened and reconstructed in accordance with the plans and specifications of Project No. C 06-0001-17 of the Department of Highways, State of Colorado.

(Code 1972, § 95-67)

Sec. 24-132. Dedication of street.

The portions of the street are hereby dedicated to the People of the State of Colorado as connecting links in and as a part of Colorado State Highway No. 1, it being recognized that they may be relocated or abandoned as provided by law for state highways and recognizing that the streets or highways have priority over local intersecting streets.

(Code 1972, § 95-68)

Sec. 24-133. Right of State Department of Highways recognized.

The City recognizes the right of the State Department of Highways and its contractor or contractors to proceed at once or at any time in the future to construct the connecting links of State Highway No. 1 in the City on the portions of the street involved.

(Code 1972, § 95-69)

* **Cross-reference**—Vehicles and traffic, Ch. 28.

Sec. 24-134. Through street designation; placement of signs.

Portions of the street when constructed and improved shall remain a through street. The City acknowledges the right of the State Department of Transportation to place signs and warnings at points selected by the department for the purpose of informing the traveling public that those portions of the street are through streets and for the purpose of requiring such stops, speed limits and other traffic controls as may be necessary to protect the traveling public in the use of those portions of the street. No commercial activity or encroachment shall be permitted within the right-of-way boundaries of the street, and the width from curb to curb of the street shall be a minimum of ninety (90) feet. (Code 1972, § 95-70)

Sec. 24-135. Traffic rules and regulations in force.

On no portion of any state highway or connecting link within the City shall any person violate any of the provisions of Chapter 28, Vehicles and Traffic, the Fort Collins Traffic Code, any of the ordinances amending the same or any of the rules or regulations issued pursuant thereto. (Code 1972, § 95-71; Ord. No. 16, 2003 § 10, 2-18-03)

Sec. 24-136. Parking and speed limits.

(a) Parking is hereby prohibited at those points along the portions of the street which are within twenty (20) feet of any intersection.

(b) Parking when and where permitted shall be parallel as provided by law for parallel parking.

(c) Upon the basis of engineering and traffic investigations by the State Department of Highways and the City, it has been determined that a reasonable and true prima facie speed limit on portions of the street shall be a minimum of thirty-five (35) miles per hour in the business district and a minimum of thirty-five (35) miles per hour on the remaining portions, provided that standard signs are erected giving notice of the authorized speed as provided by C.R.S. (Code 1972, § 95-72)

Sec. 24-137. Right of Department of Highways to purchase property recognized.

In order to establish the streets and connecting links, it will be necessary to take and purchase certain property included within the above described right-of-way. By adoption of this Article, the City recognizes the right of the Department of Highways to purchase or condemn any such private property. (Code 1972, § 95-75)

Sec. 24-138. Applicability of Article.

The provisions of this Article are reinstated in their application to that portion of South College Avenue extending from its intersection with Olive Street South to the City limits. (Code 1972, § 95-76)

Sec. 24-139. Violations and penalties.

Any violation of this Article shall be punishable in the Municipal Court by penalty as provided by Chapter 28, Vehicles and Traffic and the Fort Collins Traffic Code, regulating the use of public streets. Any police officer is hereby authorized and required to enforce the provisions of this Article. The Municipal Court shall have jurisdiction to hear and try any person charged with their violation and, if such person be guilty, to punish such person as provided in the above-mentioned Chapter. (Code 1972, § 95-74; Ord. No. 16, 2003 § 10, 2-18-03)